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**VIA FACSIMILE ONLY**  
**571-272-0299**

January 16, 2009

Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

*Approved  
1/22/09  
(JW)*

Re: Appeal No. 2007-4016 for U.S. Application No. 09/816,152  
Appeal No. 2009-0552 for U.S. Application No. 09/822,261

Dear Sir/Madam:

A "Notice of Hearing" for each of the two appeals noted above was just received setting the hearing date for both cases at 9 AM on Tuesday March 17, 2009. Copies of the Notices of Hearing, each mail dated January 14, 2009, are attached to this letter.

Please note that, although there are two Notices, the two appeals are for related applications and, thus, the two appeals are being heard together. As explained below, I respectfully request that the hearing be delayed.

The request for a delay is because I am scheduled to be out of town for the entire week of March 16<sup>th</sup> - 19<sup>th</sup>. Briefly, the conflict is because I will be attending a continuing legal education ("CLE") course in Houston, Texas. The course is being given by the University of Houston Law Center and is called "Basic Mediation Training." It is a part of my yearly CLE requirement as a member of the Texas Bar. A Receipt confirming my registration for this course is attached. As you can see, the fee for the course has been paid and, although there is a one-time cancellation policy, travel arrangements and work accommodations have already been made.

Also, I believe, as does the applicant, that I am in the best position to represent the applicant at the Hearing. I am the attorney who prepared and filed the applications with the United States Patent and Trademark Office ("PTO") and the attorney who has been prosecuting these cases before the PTO for the past seven years. I believe, as does the applicant, that I am the person most familiar with the prosecution history and the issues on appeal having prepared all substantive filings including the Appeal Briefs.

Finally, I also wish to report that I have advised the applicant that this request, if granted, would delay the Hearing for an undetermined amount of time. Nevertheless, the applicant fully supports this request for a delay.

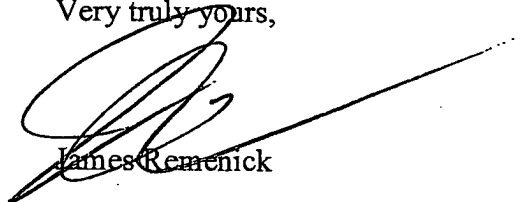


Board of Patent Appeals  
and Interferences  
January 16, 2009  
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Accordingly, I respectfully request that the Hearing be re-scheduled so that I will be able to represent the applicant and also attend the necessary CLE course in Houston, Texas.

If you require any additional information, please feel free to contact me.

Very truly yours,



James Remenick

Attached:    Notice of Hearing for Appeal No. 2007-4016  
                 Notice of Hearing for Appeal No. 2009-0552  
                 Receipt for university of Houston CLE course



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,152	03/26/2001	William A. Knaus	8123.002.US	6441
<div>7590 James Remenick Novak, Druce &amp; Quigg LLP East Tower, Suite 400 1300 Eye Street, N.W. Washington, DC 20005</div>			<div>EXAMINER NAJARIAN, LENA</div>	
			<div>ART UNIT 3686</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 01/14/2009</div>	<div>DELIVERY MODE PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Board of Patent Appeals and Interferences

JAMES REMENICK  
NOVAK, DRUCE & QUIGG LLP  
EAST TOWER, SUITE 400  
1300 EYE STREET, N.W.  
WASHINGTON, DC 20005

Appeal No: 2007-4016  
Appellant: William A. Knaus et al.  
Application No: 09/816,152  
Hearing Room: B  
Hearing Docket: B  
Hearing Date: Tuesday, March 17, 2009  
Hearing Time: 09:00 AM  
Location: Madison Building - East Wing  
600 Dulany Street, 9th Floor  
Alexandria, Virginia 22313-1450

NOTICE OF HEARING  
CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

**The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.**

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299

USPTO Central Fax No: (571) 273-8300

BPAI Mailing Address: Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. BOX 1450  
Alexandria, Virginia 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: ( ) HEARING ATTENDANCE CONFIRMED ( ) HEARING ATTENDANCE WAIVED

Signature of Attorney/Agent/Appellant

Date

Registration No.

Names of other visitors expected to accompany counsel: \_\_\_\_\_

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see  
[http://www.uspto.gov/web/offices/dcom/gcounsel/contact.htm#bpa\\_contacts](http://www.uspto.gov/web/offices/dcom/gcounsel/contact.htm#bpa_contacts)

**James Remenick**

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**From:** Pietsch, Robyn G [RPietsch@Central.UH.EDU]  
**Sent:** Tuesday, November 18, 2008 3:20 PM  
**To:** James Remenick  
**Subject:** March 2009 40-Hour Basic Mediation Training Confirmation  
**Importance:** High

**MEMORANDUM**

**DATE:** November 18, 2008  
**TO:** **Jim Remenick**  
**FROM:** Robyn G. Pietsch, Program Manager  
**RE:** **March 16-20, 2009 40-Hour Basic Mediation**

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This is to inform you that you are registered in the March 16-20, 2009, 40-Hour Basic Mediation training provided by the A.A. White Dispute Resolution Center at the University of Houston Law Center. Thank you for choosing to take your mediation training with us! Your receipt for the registration fee will be mailed via the U.S.P.S.

Approximately 3 days prior to the first day of the training a detailed confirmation letter and map directing you to the training location will be emailed to you including any additional information you need. If you have any questions please don't hesitate to call me at 713.743.2066.

**Cancellation Policy:** Participants will have only a **ONE-TIME OPTION** to either transfer fees or receive a refund. To receive a refund, less a \$25.00 processing fee, cancellation must be received **in writing** (via fax @ 713.743.2097 or via email @ [rpietsch@central.uh.edu](mailto:rpietsch@central.uh.edu)) within 5 business days (Monday through Friday) prior to the first day of the program.

Robyn G. Pietsch  
University of Houston Law Center  
Blakely Advocacy Institute - AA White DRC  
100 Law Center  
Houston, Texas 77204-6060  
713.743.2066  
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**Novak Druce + Quigg**

# Facsimile Transmittal

<b>To:</b>	Board of Patent Appeals and Interferences	<b>From:</b>	James Remenick
<b>Fax:</b>	571-272-0299	<b>Pages:</b>	8 (including cover)
<b>Phone:</b>	571-272-9797	<b>Date:</b>	01/16/2009
<b>Re:</b>	Appeal No. 2007-4016	<b>cc:</b>	
	Appeal No. 2009-0552		

☐ **Urgent**      **For Review**      ☐ **Please Comment**      ☐ **Please Reply**      ☐ **Please Recycle**

● **Comments:** Attached please find a letter to the Board Requesting to Delay the Hearing for the noted cases.

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